

Remarks

In response to the restriction requirement, Applicants elect species 2, with traverse.

The Examiner alleged that the application contains two distinctly patentable species (1) an array, wherein the plurality of nucleic acid parts that attach the nucleic acid to a solid surface is identical (see, claim 52); and (2) an array, wherein the nucleic acid parts that attach the nucleic acid to a solid surface is different (see, claim 53).

However, Applicants respectfully submit that these two species have been under prosecution since at least 2003. Specifically, claim 11 has been directed to arrays with identical attaching oligos (compare to claim 52) and 23 has been directed to arrays with different attaching oligos (compare to claim 53). Thus, the Examiner has been searching these two types of arrays for about 6 years without raising the need for restriction.

In view of the foregoing, Applicants respectfully submit that all claims are in condition for allowance. Early and favorable action is requested.

In the event that any additional fees are required, the Commissioner is authorized to charge Nixon Peabody LLP Deposit Account No. 50-0850.

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Respectfully submitted,

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